

**BUFFALO COUNTY BOARD OF SUPERVISORS**  
**TUESDAY, MARCH 24, 2009**  
**9:00 A.M.**

The Buffalo County Board of Supervisors met on Tuesday, March 24, 2009 at 9:00 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responding to roll call: Horace Dannehl, Kent Greder, Ivan Klein, Timothy Loewenstein William McMullen, Sherry Morrow and Richard Pierce. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meeting in advance, thereof. Notice of the meeting was simultaneously given to all members of the Board of Supervisors; and availability of the agenda was communicated in the advance notice and in the notice to the Board of Supervisors of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board of Supervisors is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. Deputy County Attorney Andrew Hoffmeister was present.

Chairman Pierce called for Citizen’s forum and no one was present at this time to address the Board. Present for activity reports from Elected and Appointed Officials were Emergency Manager Darrin Lewis and County Sheriff Neil Miller.

**CONSENT AGENDA**

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. Supervisor Morrow requested that the claims paid from the Institutions Fund be removed before the Budget Hearing scheduled later in the meeting. Chairman Pierce declared the General County Business listed below approved without further hearing and the County Clerk withdrew the Institution Fund claims from the list.

**GENERAL COUNTY BUSINESS**

- 1. Approve March 17, 2009 minutes
- 2. Miscellaneous County Business
  - Approve March 2009 Payroll Claims

The following payroll claim totals for March 2009 were submitted by County Clerk Janice Giffin for approval.

| FUND    | NET PAYROLL     |
|---------|-----------------|
| GENERAL | 331,510.79      |
| ROAD    | 76,097.21       |
| WEED    | <u>5,892.18</u> |
| TOTAL   | 413,500.18      |

- Approve March 2009 Vendor Claims

County Clerk Janice Giffin submitted the following March claims to the Board for approval.

| <u>GENERAL FUND</u>          |    |               |            |
|------------------------------|----|---------------|------------|
| ACE HARDWARE & GARDEN CTR    | SU | SUPPLIES      | 17.97      |
| ADAMS CO SHERIFF             | S  | SERVICE FEES  | 1,031.00   |
| ALAMAR UNIFORMS              | SU | UNIFORMS      | 389.34     |
| ALL MAKES AUTO SUPPLY        | SU | SUPPLIES      | 873.41     |
| ALL POINTS CO-OP             | F  | PROPANE       | 290.25     |
| ALLTEL                       | S  | PHONE SERVICE | 2,609.17   |
| ALLTEL                       | S  | PHONE SERVICE | 1,340.50   |
| ALLTEL                       | S  | CELL PHONE    | 97.33      |
| AMERICAN FAMILY LIFE         | I  | EMPLOYEE      | 1,568.03   |
| AMERITAS LIFE INSURANCE      | R  | EMPLOYEE      | 55,548.75  |
| AS CENTRAL FINANCE           | S  | TELECOMM      | 1,343.99   |
| ASK SUPPLY CO.               | SU | SUPPLIES      | 1,419.92   |
| MICHAEL W BALDWIN            | S  | LEGAL         | 805.00     |
| BCN TELECOM INC              | S  | PHONE SERVICE | 34.33      |
| BEAR FRAME AND ALIGNMENT     | S  | REPAIRS       | 446.59     |
| MELODIE TURNER BELLAMY       | RE | REIMBURSE     | 25.00      |
| BLUE CROSS BLUE SHIELD OF NE | I  | EMPLOYEE      | 117,947.00 |
| EMILY BRALICK                | S  | WITNESS FEES  | 20.00      |
| MADISON BRESSMAN             | S  | WITNESS FEES  | 20.00      |

|                              |    |              |           |
|------------------------------|----|--------------|-----------|
| CHARLES BREWSTER             | S  | LEGAL        | 1,370.00  |
| BUFFALO CO ATTORNEY          | S  | LEGAL        | 38.00     |
| BUFFALO CO ATTORNEY'S OFC    | E  | PETTY CASH   | 185.37    |
| BUFFALO CO BAR ASSN          | D  | DUES         | 280.00    |
| BUFFALO CO COURT             | E  | COURT COSTS  | 4,046.58  |
| BUFFALO CO EXTENSION SVC     | E  | EXPENSES     | 10,431.87 |
| BUFFALO CO PUBLIC DEFENDER   | E  | EXPENSES     | 8,841.14  |
| BUFFALO CO SHERIFF           | E  | EXPENSES     | 4,855.29  |
| BUFFALO CO TREAS PETTY CASH  | E  | POSTAGE/SUPP | 3,921.21  |
| BUILDERS HOW TO WAREHOUSE    | SU | SUPPLIES     | 6.99      |
| BUTLER VOIGT AND STEWART PC  | S  | LEGAL        | 22.50     |
| C B M FOOD SVC               | E  | FOOD SERVICE | 12,066.86 |
| CARPENTER REPORTING, INC.    | S  | TRANSCRIBING | 83.00     |
| MICHAEL D CARPER             | S  | LEGAL        | 1,427.60  |
| CASH WA DISTRIBUTING         | SU | SUPPLIES     | 4,438.20  |
| CENTRAL FIRE & SAFETY INC    | SU | SUPPLIES     | 223.00    |
| CENTRAL PATHOLOGY SVCS       | S  | AUTOPSY      | 2,400.00  |
| CENTRAL PLATTE NRD           | S  | MAINTENANCE  | 1,130.08  |
| CHARTER DATA COMMUNICATIONS  | S  | SERVICES     | 3,623.00  |
| CHARTER DIGITAL              | S  | SERVICES     | 99.07     |
| CHIEF                        | EQ | EQUIPMENT    | 524.99    |
| CITY OF KEARNEY              | U  | UTILITIES    | 33,908.29 |
| CLERK OF THE DISTRICT COURT  | E  | POSTAGE      | 99.00     |
| CLERK OF THE DISTRICT COURT  | E  | JURY MEAL    | 79.54     |
| CLIPPER PUBLISHING           | A  | PUBLISHING   | 2,350.35  |
| CODEX CORPORATION            | S  | REPAIRS      | 70.62     |
| COLONIAL SUPPLEMENTAL INS    | I  | EMPLOYEE     | 83.67     |
| STEVE COMBS                  | S  | WITNESS FEES | 20.00     |
| COOL TECH                    | S  | REPAIRS      | 74.00     |
| ROBIN CROSS                  | S  | CLEANING     | 55.00     |
| CROSSROADS FORD INC.         | S  | REPAIRS      | 48.28     |
| CULLIGAN WATER CONDITIONING  | U  | RENTAL       | 70.08     |
| D & S LIGHTING CO            | SU | SUPPLIES     | 42.50     |
| DAWSON CO PUBLIC POWER       | U  | UTILITIES    | 2,572.56  |
| DAWSON CO SHERIFF            | S  | SERVICE FEES | 1,664.00  |
| GLENDA DEBRIE                | RE | REIMBURSE    | 140.25    |
| DEPARTMENT OF PATHOLOGY      | S  | LAB WORK     | 125.00    |
| EAKES OFC PLUS               | SU | SUPPLIES     | 273.28    |
| EAKES                        | SU | SUPPLIES     | 235.41    |
| EAKES                        | SU | SUPPLIES     | 2,509.20  |
| EAKES                        | SU | SUPPLIES     | 382.61    |
| EAKES                        | SU | SUPPLIES     | 493.10    |
| SHAWN EATHERTON              | RE | REIMBURSE    | 152.90    |
| ED ROEHR SAFETY PRODUCTS     | SU | EQUIPMENT    | 823.63    |
| EDUCATIONAL SVC UNIT NO 10   | S  | SUPPORT      | 10,833.33 |
| BEV EICKHOFF                 | S  | MENDING      | 121.00    |
| MARVIN ELLIOTT               | RE | REIMBURSE    | 6.65      |
| JESSE EVANS                  | S  | WITNESS FEES | 80.60     |
| FIRST CONCORD BENEFITS GROUP | I  | EMPLOYEE     | 9,438.54  |
| FRONTIER                     | S  | PHONE SVC    | 8,300.63  |
| GANZ ROMATZKE AND STAMM      | S  | PUB DEFENDER | 237.86    |
| GARFIELD CO COURT            | E  | COPIES       | 3.25      |
| GARRETT TIRES TREADS         | S  | REPAIRS      | 15.40     |
| CYNTHIA GEMBALA HUGG         | S  | COURT REPORT | 625.50    |
| GOOD SAMARITAN HEALTH SYST   | S  | AUTOPSY      | 4,065.00  |
| GOSPER CO SHERIFF            | S  | SERVICE FEES | 46.74     |
| GOVCONNECTION INC            | SU | SUPPLIES     | 1,052.69  |
| GREAT WEST HEALTHCARE        | I  | EMPLOYEE     | 636.89    |
| HARTFORD LIFE INSURANCE      | I  | EMPLOYEE     | 2,975.00  |
| KIMBERLY HOFFMAN             | S  | WITNESS FEES | 40.00     |
| ANDREW W HOFFMEISTER         | RE | REIMBURSE    | 25.00     |
| GARY L HOGG                  | S  | LEGAL        | 407.00    |
| HOLIDAY INN                  | SU | SUPPLIES     | 47.60     |
| HOLIDAY INN OMAHA            | E  | LODGING      | 198.00    |

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|--------------------------------|----|---------------|-----------|
| HOLT CO COURT                  | E  | COPIES        | 3.75      |
| HORNER LIESKE HORNER           | S  | AUTOPSY       | 900.00    |
| LISA R HUERTA                  | RE | REIMBURSE     | 25.00     |
| JACOBSEN ORR NELSON            | S  | LEGAL         | 5,450.15  |
| K MART PHARMACY                | MC | INMATE MED    | 1,293.50  |
| KEARNEY AREA HUMANE SOCIETY    | AP | ANIMAL SVC    | 1,000.00  |
| KEARNEY CLINIC PC              | MC | INMATE MED    | 188.68    |
| KEARNEY CO SHERIFF             | S  | SERVICE FEES  | 15.75     |
| KEARNEY FEDERAL CREDIT UNION   | E  | EMPLOYEE      | 6,697.41  |
| KEARNEY HUB                    | A  | PUBLISHING    | 5,399.02  |
| KEARNEY TOWING & REPAIR        | S  | TOWING        | 97.40     |
| KEARNEY UNITED WAY             | E  | EMPLOYEE      | 109.84    |
| KILLION MOTORS INC.            | EQ | VEHICLE       | 12,862.28 |
| MILDRED B KINCAID              | R  | RETIREMENT    | 12.00     |
| RICHARD KINCAID                | RE | REIMBURSE     | 20.00     |
| MARIAN KIRBY                   | S  | CRT REPRTNG   | 57.50     |
| IVAN KLEIN                     | RE | REIMBURSE     | 321.74    |
| KNAPP FANGMEYER ASCHWEGE       | S  | LEGAL         | 307.62    |
| JEFF KNAPP                     | S  | LEGAL         | 60.25     |
| JEAN KNEESE                    | R  | RETIREMENT    | 19.00     |
| KONICA MINOLTA                 | S  | MAINTENANCE   | 2,044.81  |
| L & S TIRE AND TOWINC INC      | S  | TOWING        | 95.00     |
| LAFAYETTE LIFE INSURANCE       | I  | EMPLOYEE      | 24.00     |
| ANNETTE LAVE                   | S  | CLEANING      | 114.31    |
| LAW ENFORCEMENT SVCS INC       | S  | TESTING       | 155.00    |
| LAWSOFT INC                    | SU | SUPPLIES      | 180.00    |
| LEXIS NEXIS                    | E  | ONLINE SVC    | 25.00     |
| LIBERTY SVCS INC               | S  | CLEANING      | 739.81    |
| LOUP VALLEY LIGHTING           | SU | SUPPLIES      | 341.00    |
| STEPHEN G LOWE                 | S  | LEGAL         | 412.50    |
| SHARON MAULER                  | RE | REIMBURSE     | 1.98      |
| KAITLYN MCMAHON                | S  | WITNESS FEES  | 40.00     |
| MEDICAP                        | MC | INMATE MEDS   | 39.30     |
| MICHAEL MEFFERD                | RE | REIMBURSE     | 25.00     |
| JOHN C MEIDLINGER              | S  | EVALUATION    | 625.00    |
| MENARDS                        | SU | SUPPLIES      | 23.96     |
| METHE COMMUNICATIONS INC       | SU | SUPPLIES      | 100.00    |
| MICROFILM IMAGING SYSTEMS      | SU | SUPPLIES      | 561.10    |
| MICROFILM SVC BUREAU           | S  | MICROFILMING  | 324.22    |
| MID AMERICA PAY PHONES         | E  | PAY PHONES    | 80.00     |
| MIDWAY CHRYSLER DODGE JEEP     | S  | MAINTENANCE   | 15.05     |
| MIPS INC.                      | S  | SUPPORT       | 1,911.12  |
| MOORE WALLACE                  | SU | SUPPLIES      | 142.72    |
| MOTOROLA INC.                  | SU | SUPPLIES      | 79.48     |
| MPH INDUSTRIES INC             | EQ | EQUIPMENT     | 575.00    |
| MR AUTOMOTIVE CARQUEST         | S  | REPAIRS       | 20.92     |
| NACO CENTRAL DISTRICT ASSN     | E  | REGISTRATION  | 160.00    |
| NATIONWIDE RETIREMENT          | R  | EMPLOYEE      | 1,279.64  |
| NE SAFETY & FIRE EQUIPMENT INC | S  | INSPECTIONS   | 250.00    |
| NE CENTRAL TELEPHONE CO        | S  | PHONE SVC     | 157.70    |
| NE CHILD SUPPORT PAYMENT CTR   | E  | EMPLOYEE      | 1,155.00  |
| NE DEPT OF MOTOR VEHICLES      | S  | RECORDS       | 90.00     |
| NE HAZARDOUS MATERIALS ASSO    | E  | REGISTRATIONS | 120.00    |
| NE IMAGING CO INC              | SU | SUPPLIES      | 637.32    |
| NE LAW ENFORCE TRAINING        | S  | TRAINING      | 255.00    |
| NE PUBLIC POWER DIST           | U  | UTILITIES     | 5,090.86  |
| NE SUPREME COURT PUBLICATIONS  | E  | MATERIAL      | 58.25     |
| NEW LIFE COUNSELING SVCS       | S  | EVALUATIONS   | 675.00    |
| NORM'S PLUMBING HEATING & A/C  | S  | REPAIRS       | 869.20    |
| NORTHWESTERN ENERGY            | U  | UTILITIES     | 9,069.67  |
| OCE IMAGISTICS INC             | S  | MAINTENANCE   | 192.93    |
| STEVE OERTWIG                  | U  | ELECTRICITY   | 39.79     |
| OFC NET                        | S  | MAINTENANCE   | 120.41    |
| MATTHIAS I OKOYE               | S  | SERVICES      | 2,833.00  |

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| OLD WEST GUNS                 | SU | SUPPLIES      | 20.00      |
| ORD TRUE VALUE                | S  | PHONE SVC     | 42.99      |
| ORSCHELN FARM AND HOME        | SU | SUPPLIES      | 41.98      |
| PAUL OTTO                     | U  | ELECTRICITY   | 150.00     |
| OVERHEAD DOOR CO OF KEARNEY   | S  | REPAIRS       | 217.77     |
| PARKER GROSSART BAHENSKY      | S  | LEGAL         | 1,590.76   |
| PHELPS CO COURT               | E  | COPIES        | 5.00       |
| GARY PICKERT                  | SU | SUPPLIES      | 306.75     |
| PITNEY BOWES                  | S  | MAINTENANCE   | 1,485.00   |
| PLATTE VALLEY COMMUNICATION   | S  | REPAIRS       | 210.00     |
| PLATTE VALLEY STATE BANK      | T  | FEDERAL TAXES | 104,410.41 |
| PRAIRIE COUNSELING            | S  | EVALUATIONS   | 1,450.00   |
| PRESTO X CO                   | S  | PEST CONTROL  | 57.00      |
| PSYCHOLOGICAL RESOURCES       | S  | TESTING       | 550.00     |
| QWEST                         | S  | PHONE SVC     | 354.21     |
| R C BOOTH ENTERPRISES         | SU | SUPPLIES      | 2,275.00   |
| R COM                         | S  | INTERNET      | 54.00      |
| RAVENNA SANITATION            | U  | GARBAGE       | 323.00     |
| REDMAN'S SHOES                | EQ | EQUIPMENT     | 55.99      |
| REGION III PROGRAM            | S  | SERVICES      | 2,030.64   |
| ILENE RICHARDSON              | R  | RETIREMENT    | 14.00      |
| RHITNEY ROBERTS               | S  | WITNESS FEES  | 20.00      |
| MICHELE ROMERO                | RE | REIMBURSE     | 25.00      |
| ROBERT ROOS                   | S  | INTERPRETING  | 151.75     |
| ROSS SCHROEDER & GEORGE       | S  | LEGAL         | 1,802.29   |
| RTS BUSINESS HOLDINGS, INC    | S  | CAR WASH      | 227.12     |
| SCHUG VENTURES LLC            | RT | RENT          | 650.00     |
| MANDI J SCHWEITZER            | RE | REIMBURSE     | 25.00      |
| SECURUS TECHNOLOGIES INC      | SU | SUPPLIES      | 3,000.00   |
| SENIOR HOSPITALITY CENTER INC | AP | BUDGET        | 6,250.00   |
| SHANNON CO SHERIFF'S OFC      | S  | SERVICE FEES  | 43.20      |
| KURT SIEDSCHLAW               | S  | LEGAL         | 229.95     |
| TRENTON SNOW                  | RE | REIMBURSE     | 784.75     |
| TRENTON SNOW, L.L.C.          | EQ | EQUIPMENT     | 350.00     |
| SNYDER AND HILLIARD           | S  | LEGAL         | 1,049.50   |
| STATE OF NE                   | T  | STATE TAXES   | 15,166.23  |
| SUPER SHINE AUTO CARE INC     | S  | EQUIPMENT     | 476.36     |
| MICHAEL J SYNEK               | S  | LEGAL         | 596.68     |
| THE LOCKMOBILE                | SU | SUPPLIES      | 1.75       |
| TIMEKEEPING SYSTEMS INC       | E  | LAW COSTS     | 295.00     |
| TREAT AMERICA FOOD SVCS       | S  | TRAINING      | 28.97      |
| TURNER BODY SHOP              | S  | TOWING        | 486.00     |
| REBECCA L TVRDIK              | S  | LEGAL         | 1,087.50   |
| TYE & RADEMACHER PC LLO       | S  | LEGAL         | 632.52     |
| U S POSTMASTER                | E  | POSTAGE       | 610.00     |
| UNICO                         | I  | EMPLOYEE      | 652.00     |
| UNION PACIFIC RAILROAD CO     | E  | PURCHASE      | 1,500.00   |
| US INTERNET                   | S  | MAINTENANCE   | 351.00     |
| VILLAGE CLEANERS INC          | S  | CLEANING      | 136.46     |
| VILLAGE OF MILLER             | U  | UTILITIES     | 32.50      |
| VISUAL FORCE INC              | EQ | EQUIPMENT     | 167.00     |
| WAL-MART COMMUNITY            | SU | SUPPLIES      | 63.67      |
| WALMART                       | SU | SUPPLIES      | 554.49     |
| VICTORIA WELLES               | E  | COURT COSTS   | 105.00     |
| WELLS FARGO CARD SVCS INC     | SU | SUPPLIES      | 5,624.76   |
| WEST PAYMENT CENTER           | SU | SUPPLIES      | 1,300.25   |
| WESTERN PATHOLOGY CONSULT     | S  | TESTING       | 95.00      |
| WILLIAM R WILLIAMS            | RE | REIMBURSE     | 49.50      |
| MELISSA L WILLIS              | RE | REIMBURSE     | 25.00      |
| WINDSTREAM                    | S  | LONG DISTANCE | 6.20       |
| JEFFREY M WIRTH               | S  | LEGAL         | 441.84     |
| RANDY WOOD                    | S  | WITNESS FEES  | 40.00      |
| JOE WOODWARD                  | RE | REIMBURSE     | 16.62      |
| WILLIAM WRIGHT                | RE | REIMBURSE     | 37.43      |

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| YEAGLEY SWANSON MURRAY LLC    | S  | LEGAL          | 4,536.81  |
| MELANIE R YOUNG               | RE | REIMBURSE      | 25.00     |
| ZIMMERMAN PRINTERS & LITHO    | SU | SUPPLIES       | 408.91    |
| <b><u>ROAD FUND</u></b>       |    |                |           |
| ACE HARDWARE & GARDEN CTR     | SU | SUPPLIES       | 102.94    |
| LYLE AHRENS                   | RE | REIMBURSE      | 80.00     |
| ALL MAKES AUTO SUPPLY         | S  | REPAIRS/SUPPLY | 792.67    |
| ALL POINTS COOP               | F  | FUEL           | 40.00     |
| AMERICAN FAMILY LIFE          | I  | EMPLOYEE       | 1,042.52  |
| AMERICAN FIRST AID & SAFETY   | SU | SUPPLIES       | 67.91     |
| AMERITAS LIFE INSURANCE       | I  | EMPLOYEE       | 12,552.13 |
| ASK SUPPLY CO.                | SU | REPAIRS/SUPPLY | 388.69    |
| AUTO GLASS CENTER             | S  | REPAIRS        | 139.14    |
| BLUE CROSS BLUE SHIELD OF NE  | I  | EMPLOYEE       | 5,013.24  |
| BOSSELMAN ENERGY INC          | F  | DIESEL         | 19,082.38 |
| BUFFALO CO REDI-MIX           | C  | CONCRETE       | 1,640.00  |
| CENTRAL AG AND SHOP SUPPLY    | SU | SUPPLIES       | 121.95    |
| CENTRAL FIRE & SAFETY INC     | EQ | EQUIPMENT      | 56.45     |
| COMFY BOWL                    | EQ | EQUIPMENT      | 75.00     |
| COWPOKE                       | EQ | EQUIPMENT      | 80.00     |
| DUSTIN CRAVEN                 | E  | REGISTRATION   | 31.25     |
| ROBIN CROSS                   | S  | CLEANING       | 639.00    |
| CROSSROADS FORD INC.          | SU | SUPPLIES       | 46.95     |
| EAKES OFC PLUS                | SU | SUPPLIES       | 99.58     |
| ENVIRONMENTAL AIR TECH        | S  | REPAIRS        | 223.54    |
| FAIRBANKS FARM EQUIPMENT      | S  | REPAIRS        | 58.87     |
| FAIRBANKS INTERNATIONAL       | S  | REPAIRS        | 723.55    |
| FARM PLAN KEARNEY IMPLEMENT   | S  | REPAIRS        | 3.50      |
| FIDDELKE HEATING AND AIR COND | S  | REPAIRS        | 225.05    |
| FIRST CONCORD BENEFITS GROUP  | I  | EMPLOYEE       | 1,571.33  |
| FORTNA EQUIPMENT CO           | SU | SUPPLIES       | 68.00     |
| ARLOW FRITZ                   | R  | RETIREMENT     | 10.00     |
| GRAHAM TIRE CO                | S  | REPAIRS        | 12.72     |
| GREAT WEST HEALTHCARE         | I  | EMPLOYEE       | 180.69    |
| JACK LEDERMAN CO INC          | SU | SUPPLIES       | 57.60     |
| K & K PARTS CO. INC.          | SU | SUPPLIES       | 1,124.53  |
| KEARNEY FEDERAL CREDIT UNION  | E  | EMPLOYEE       | 2,210.00  |
| KEARNEY HUB                   | A  | PUBLISHING     | 103.16    |
| KEARNEY UNITED WAY            | E  | EMPLOYEE       | 11.00     |
| LAFAYETTE LIFE INSURANCE CO   | I  | EMPLOYEE       | 3.00      |
| LAMMERS TRUCK LINE INC        | G  | GRAVEL         | 605.75    |
| LAWSON PRODUCTS INC           | SU | SUPPLIES       | 1,453.63  |
| LINWELD                       | S  | SUPPLIES       | 85.84     |
| LOGAN CONTRACTORS SUPPLY      | S  | REPAIRS        | 159.01    |
| ELWOOD LUCE                   | R  | RETIREMENT     | 11.00     |
| MENARDS                       | SU | SUPPLIES       | 24.16     |
| MID NE AGGREGATE INC          | G  | GRAVEL         | 275.41    |
| MIDWAY CHEVROLET              | S  | REPAIRS        | 43.94     |
| MIDWEST SVC & SALES CO        | SU | SUPPLIES       | 550.26    |
| MR AUTOMOTIVE CARQUEST        | SU | SUPPLIES       | 720.91    |
| NACO CENTRAL DISTRICT ASSN    | E  | REGISTRATION   | 20.00     |
| NATIONWIDE RETIREMENT SOLU    | R  | RETIREMENT     | 1,060.00  |
| NE CHILD SUPPORT PAYMENT CTR  | E  | EMPLOYEE       | 395.00    |
| NE MACHINERY CO               | S  | REPAIRS        | 7,268.66  |
| NE TRUCK CENTER INC           | S  | REPAIRS        | 685.49    |
| THE NEW SIOUX CITY IRON CO    | SU | SUPPLIES       | 56.00     |
| NORM'S PLUMBING HEATING & A/C | S  | REPAIRS        | 1,085.45  |
| PLATTE VALLEY COMMUNICATION   | S  | REPAIRS        | 1,114.73  |
| PLATTE VALLEY STATE BANK      | T  | FEDERAL TAXES  | 22,642.10 |
| POWERPLAN                     | S  | REPAIRS        | 1,269.11  |
| PRESCO SALES & SVC INC        | SU | SUPPLIES       | 5,998.51  |
| RADIANT HEATING SYSTEMS       | S  | REPAIRS        | 84.80     |
| RAYBURN AUTO PARTS INC        | F  | FUEL           | 39.04     |
| REDMAN'S SHOES                | EQ | EQUIPMENT      | 80.00     |

|  |    |               |              |
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| ROPER'S RADIATOR SVC                     | S  | REPAIRS       | 95.00        |
| SAPP BROS                                | SU | SUPPLIES      | 5,751.16     |
| SPEEDY METALS                            | SU | SUPPLIES      | 133.65       |
| STATE OF NE                              | T  | STATE TAXES   | 3,058.15     |
| T & F SAND AND GRAVEL INC                | G  | GRAVEL        | 3,854.49     |
| THE LOCKMOBILE                           | SU | SUPPLIES      | 65.85        |
| TRACTOR SUPPLY CO. INDUSTRIES            | S  | REPAIRS       | 627.96       |
| TRI CITY OUTDOOR POWER                   | S  | REPAIRS       | 19.18        |
| WESTERN PATHOLOGY CONSULT                | S  | TESTING       | 75.50        |
| <b><u>BRIDGE FUND</u></b>                |    |               |              |
| KEARNEY HUB                              | A  | PUBLICATION   | 62.68        |
| <b><u>VISITOR'S PROMOTION FUND</u></b>   |    |               |              |
| KEARNEY VISITOR'S BUREAU                 | AP | MARCH EXP     | 21,800.00    |
| <b><u>VISITOR'S IMPROVEMENT FUND</u></b> |    |               |              |
| KEARNEY VISITOR'S BUREAU                 | AP | MARCH EXP     | 21,000.00    |
| <b><u>EMERGENCY RELIEF FUND</u></b>      |    |               |              |
| ABC DRUG                                 | MC | PRESCRIPTIONS | 257.58       |
| MARK ANDERSON                            | RT | RENT          | 210.00       |
| RICHARD L BARLOW                         | RT | RENT          | 210.00       |
| BLACK HILLS STAGE LINE                   | E  | TRANSPORT     | 33.55        |
| BOB'S SUPER STORE                        | E  | SUNDRIES/FOOD | 102.26       |
| BOSELMANS PUMP & PANTRY #40              | F  | GAS           | 212.76       |
| FRANK CASTILLO,SR                        | RT | RENT          | 210.00       |
| DEWAYNE'S AUTO REPAIR                    | S  | REPAIRS       | 225.62       |
| DR IMTIAZ ISLAM                          | MC | MEDICAL       | 168.03       |
| ELN,LLC                                  | RT | RENT          | 105.00       |
| STACEY EPLEY                             | RT | RENT          | 210.00       |
| EPPLEY EXPRESS                           | E  | TRANSPORT     | 28.00        |
| ANGELA GIBREAL                           | RT | RENT          | 210.00       |
| JAMIE HAYS                               | RT | RENT          | 250.00       |
| HORNER LIESKE HORNER                     | S  | BURIAL        | 1,750.00     |
| DR. KAHN                                 | MC | MEDICAL SVC   | 18.60        |
| KEARNEY CLINIC                           | MC | MEDICAL       | 94.58        |
| KEARNEY HOUSING AUTHORITY                | RT | RENT          | 20.00        |
| L & M PROPERTIES INC                     | RT | RENT          | 180.00       |
| MEDICAP                                  | MC | PRESCRIPTIONS | 175.53       |
| MIDTOWN WESTERN INN                      | RT | RENT          | 210.00       |
| TASHA MURRAY                             | RT | RENT          | 210.00       |
| NADEN PHARMACY                           | MC | PRESCRIPTIONS | 209.17       |
| ROBERT NORDHUES                          | RT | RENT          | 420.00       |
| O'BRIEN STRAATMANN MORTUARY              | S  | 2 BURIALS     | 3,500.00     |
| ORTHOTECHS O & P                         | MC | PRESCRIPTIONS | 135.00       |
| JAN PARKER                               | RT | RENT          | 150.00       |
| ARNOLD PETERSON                          | RT | RENT          | 200.00       |
| JOHN SCHNOOR                             | RT | RENT          | 525.00       |
| SUN MART PHARMACY #765                   | MC | PRESCRIPTIONS | 172.19       |
| WALGREENS                                | MC | PRESCRIPTIONS | 1,907.96     |
| PAUL WALKER                              | RT | RENT          | 420.00       |
| <b><u>STOP PROGRAM FUND</u></b>          |    |               |              |
| BUFFALO CO COURT                         | E  | COURT COSTS   | 1,188.00     |
| <b><u>CO BOND</u></b>                    |    |               |              |
| BECKENHAUER CONSTRUCTION INC             | C  | CONSTRUCTION  | 2,319,562.41 |
| ENVIRONMENTAL DIRECT,INC                 | C  | ASBESTOS      | 3,800.00     |
| GOLDBERG SULLIVAN & MCCREREY             | C  | ARCHITECT     | 76,892.49    |
| <b><u>BUILDING AND GROUNDS</u></b>       |    |               |              |
| BECKENHAUER CONSTRUCTION INC             | C  | CONSTRUCTION  | 2,400.00     |
| <b><u>WEED DISTRICT</u></b>              |    |               |              |
| ACE HARDWARE & GARDEN CENTER             | SU | SUPPLIES      | 20.32        |
| AMERICAN FAMILY LIFE                     | I  | EMPLOYEE      | 51.26        |
| AMERITAS LIFE INSURANCE                  | I  | EMPLOYEE      | 809.73       |
| AMSTERDAM PRINTING AND LITHO             | SU | SUPPLIES      | 98.92        |
| ASK SUPPLY CO.                           | SU | SUPPLIES      | 153.80       |
| BLUE CROSS BLUE SHIELD OF NE             | I  | EMPLOYEE      | 699.42       |
| BUFFALO CO TREASURER                     | E  | TITLE/TIRE    | 15.00        |

|                                 |    |               |          |
|---------------------------------|----|---------------|----------|
| BUILDERS HOW TO WAREHOUSE       | E  | TOOLS         | 36.78    |
| FIRST CONCORD BENEFITS GROUP    | I  | EMPLOYEE      | 250.00   |
| GREAT WEST HEALTHCARE           | I  | EMPLOYEE      | 9.11     |
| K & K PARTS CO. INC.            | S  | REPAIRS       | 321.97   |
| KEARNEY UNITED WAY              | E  | EMPLOYEE      | 23.00    |
| RICHARD KINCAID                 | RE | REIMBURSE     | 23.59    |
| NACO CENTRAL DISTRICT ASSN      | E  | REGISTRATION  | 20.00    |
| PLATTE VALLEY STATE BANK        | T  | FEDERAL TAXES | 1,587.01 |
| SHARE CORP                      | SU | SUPPLIES      | 98.75    |
| STATE OF NE                     | T  | STATE TAXES   | 215.65   |
| TRACTOR SUPPLY CO. INDUSTRIES   | S  | REPAIRS       | 15.94    |
| VISA                            | E  | LODGING       | 60.00    |
| <b><u>911 EMERGENCY SVC</u></b> |    |               |          |
| FRONTIER                        | S  | PHONE SVC     | 1,681.65 |
| FRONTIER COMM OF NE             | S  | 911 ACCESS    | 482.41   |
| NE CENTRAL TELEPHONE CO         | S  | 911 PHONE SVC | 111.10   |
| PLATTE VALLEY COMMUNICATION     | S  | 911 REPAIRS   | 1,461.80 |
| QWEST                           | S  | 911 SERVICE   | 2,288.72 |

### JUSTICE CENTER PROJECT

Carl Gibbs, Phase 1B Job Superintendent of the Justice Center Project was present for updated reports and discussion. Moved by Loewenstein and seconded by Dannehl to approve the Change Order Request 12 in the amount of \$2,239.00. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

After discussion it was moved by Loewenstein and seconded by Klein to table Change Order Request 18 in the amount of \$13,386.00 to April14, 2009. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Klein, Dannehl, Greder, McMullen, Morrow and Pierce. Motion declared carried.

Moved by Dannehl and seconded by Greder to approve Change Order Request in the amount of \$1,933.00 for the rerouting of plumbing fixtures. Upon roll call vote, the following Board members voted "Aye": Dannehl, Greder, Klein, Loewenstein, McMullen, Morrow and Pierce. Motion declared carried.

### REGULAR AGENDA

Chairman Pierce then reviewed the following correspondence with the Board. The Hawthorn Institute sent notice of the 2009 National Grant Summit Series. A public hearing notice of Zoning Amendments was sent from Kearney County. The Department of Environmental Quality sent a copy of the Construction and Operating Permit for Lewis Feedlot. The U.S. Department of Justice sent notice of eligibility for Recovery Act: Justice Assistance Grant. Great Plains Safety & Health Organization sent notice of membership renewal. Central Community College will be holding workshops on grant writing. Newsletters were received from Central Platte Natural Resources District, Buffalo County Community Partners and Sky Terra Communications. Department of Motor Vehicles sent correspondence regarding the implementation of changes in the Drivers License issuances. The Department of Roads sent the Bridge Inspection Responsibility Policy. Chairman Pierce called on each Board member for the various committee reports and recommendations.

Moved by Morrow and seconded by Greder to approve the release of pledged collateral in the amount of \$75,000.00 from Town and Country Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Klein to approve the release of pledged collateral in the amount of \$4,500,000.00 from Platte Valley State Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Greder to approve the addition of pledged collateral in the amount of \$4,500,000.00 to Platte Valley State Bank for the Buffalo County Treasurer. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Klein, Dannehl, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Loewenstein and seconded by Greder to approve the following Family Day Proclamation numbered Resolution 2009-15. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Greder, Klein, Dannehl, McMullen, Morrow and Pierce. Motion declared carried.

### RESOLUTION 2009-15

## FAMILY DAY PROCLAMATION

WHEREAS the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS 14 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse;

WHEREAS the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS family dinners have long constituted a substantial pillar of family life in America:

Now, therefore, we, the Buffalo County Board of Supervisors, do hereby proclaim the fourth Monday of every September as

Family Day – A Day to Eat Dinner with Your Children<sup>TM</sup>

and urge all citizens to recognize and participate in its observance.

Moved by Loewenstein and seconded by McMullen to approve the following Long Term Disability Insurance Resolution 2009-16 Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

### RESOLUTION 2009-16

WHEREAS the Nebraska Association of County Officials (NACO) has proposed that Buffalo County enter into a NACO sponsored Long-Term Disability (LTD) Insurance program that will be provided to all Buffalo County employees covered by the NACO BlueCross BlueShield sponsored Medical Insurance Plan now in effect for employees of Buffalo County. This plan has been more fully described in Long-Term Disability Group Insurance Brochure with letter date March 13, 2009 provided to Buffalo County from NACO with an effective date of July 1, 2009, and

WHEREAS, for the base plan offered by NACO there will be no additional cost(s) incurred by Buffalo County for basic employee policy, and

WHEREAS, Buffalo County finds that it is in the best interests of Buffalo County, to obtain this NACO sponsored Long-Term Disability Group Insurance with employees allowed to buy additional coverage above basic policy at cost of employee(s),

NOW THEREFORE, be it resolved that Buffalo County as a member of the NACO sponsored benefit program agrees to provide Group Long-Term Disability Group Insurance for its employees on the NACO health plan, effective July 1, 2009 all as described in NACO letter dated March 13, 2009 and brochure accompanying such letter.

RESOLVED FURTHER that employees may purchase, at their own expense, additional coverage above and beyond basic coverage levels.

Moved by Loewenstein and seconded by Dannehl to approve the following C.A.N.D.O. Resolution 2009-17. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

### RESOLUTION 2009-17

WHEREAS the Sheriffs' Offices of Adams, Buffalo, Franklin, Hall, Kearney, and Phelps Counties, and the cities and villages of Franklin, Grand Island, Hastings, Kearney, Minden, and Holdrege within such counties desire to enter into an Interlocal Cooperation Act Agreement referred to as "Compact for Apprehension of Narcotics Dealers and Offenders" also known as C.A.N.D.O. (CANDO), and

WHEREAS, an Interlocal Government Agreement has been drafted that addresses issues as to creation, operation, and governance of CANDO, and

WHEREAS, Buffalo County finds that it has for some years participated in the CANDO program and it is in the best interests of Buffalo County, to continue with CANDO,



NOW THEREFORE, be it resolved that Buffalo County accepts the Interlocal Agreement between itself, the named counties and cities and/or villages therein, and this Board authorizes its Chairperson and the Sheriff of Buffalo County to sign such agreement on behalf of Buffalo County and to do all necessary actions to carry out the provisions of such Interlocal agreement.

Chairman Pierce opened the next two Agenda items for discussion at the same time. Discussion on 2009-2010 Budget and scheduling of County Employee Hours followed. Supervisor Dannehl indicated that he wanted to see the Board set the example to the other Elected Officials by cutting the employee hours to 32 or 35 hours a week rather than the current 40 hour per week schedule. Supervisor Loewenstein indicated that he didn't think we were at the point in discussions that we should do that to the employees of Buffalo County. After much discussion, Chairman Pierce instructed Clerk Giffin to schedule another open meeting on March 31, 2009. Elected official, Appointed Officials and the Judges will be invited to the meeting.

Highway Superintendent Ron Sklenar, Bill Stauffer and his legal counsel Ken George were present to discuss a road problem with diversion/acceleration of surface water in Section 25 of Elm Creek Township. After much discussion about drainage issues and damages to County Roads and adjacent properties, Chairman Pierce set April 14, 2009 at 10:00 A.M. for a public hearing. Bill Stauffer and Gary Mike Hubbard will be sent public hearing notices.

Thereafter at 10:50 A.M. public hearing for vacation or abandonment of public way known as "Airport Road" also known as "Avenue A" as it now exists running from U.S. Highway #30 north to 39th Street, abutting former east property line of Tract B, Midway Industrial Tract located in North Half of Section Thirty-three (33), Township Nine (9) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska. No one spoke out in opposition to such closing. Additionally at the originally scheduled hearing on March 10, 2009 no one spoke against road vacation although changes in east boundary of Tract B were discussed together with road relocation on March 10, 2009. Testimony was taken in favor of vacation from Baldwin Filter representatives Dan Schulte and Stan Johnston. The Board notes that although this is being handled as a vacation or abandonment, road construction is under way to relocate this road to the east along the new east boundary of the Industrial District. At conclusion of the public hearing the Chairperson set Tuesday April 14, 2009 at 10:30 A.M., as date of Board discussion and decision regarding vacation or abandonment together of this public way.

## **ZONING**

Chairman Pierce opened the Zoning public hearings at 11:15 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present at this time. Applicant Richard Follmer from T & F Sand & Gravel was also present for the following hearings. No one else from the public was present to address the Board. Thereafter three amendments to Buffalo County Zoning Regulations as recommended for adoption by this Board by the Buffalo County Planning and Zoning Commission came on for consideration by this Board. Following public hearing on such amendments with public comment, it was moved by McMullen, seconded by Klein, that the following Resolution be adopted concerning two of the proposed amendments, with acceptance, rejection, and comments for the other proposed amendment set forth in a separate resolution:

## **RESOLUTION 2009-19**

WHEREAS, ON March 5, 2009 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations and recommended by unanimous vote that this Board approve such proposed amendments, and

WHEREAS, no protests have been filed against such proposed amendments with the Buffalo County Clerk,

WHEREAS, on March 24, 2009 this Board conducted a public hearing concerning two proposed amendments to Buffalo County's Zoning Regulations and no parties appeared to oppose such proposed amendments,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that the following two amendments are adopted with amending language as shown, that the following language be added where noted, and the relevant sections be amended shall read as follows:

### **To add to Section 5.34 the following language to state as follows:**

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

#18 Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery.

#19 Concrete batch and/or asphalt plant (s) that uses movable equipment utilized for area road or localized construction.

Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

Thereafter additional Board discussion occurred concerning the remaining one amendment pertaining to construction material crushing. After much Board debate and discussion as to whether more limiting language would be more appropriate in the proposed amendment it was moved by McMullen, seconded by Klein, that the following Resolution be adopted concerning the remaining proposed amendments, with acceptance accompanied by commentary directed to the Buffalo County Planning and Zoning Commission concerning adoption of the remaining amendment:

### **RESOLUTION 2009-20**

WHEREAS, ON March 5, 2009 the Buffalo County Planning and Zoning Commission held a public hearing concerning various amendments to Buffalo County's Zoning Regulations and recommended by unanimous vote that this Board approve such proposed amendments, and

WHEREAS, no protests have been filed against such proposed amendments with the Buffalo County Clerk,

WHEREAS, on March 24, 2009 this Board conducted a public hearing concerning one proposed amendment to Buffalo County's Zoning Regulations concerning allowing the existence of a construction material crushing plant in the Agricultural Residential District by Special Use Permit and no parties appeared to oppose such proposed amendment,

WHEREAS, the Board in adopting this amendment believes that it needs additional limiting language added to its wording to state that any such construction material crushing plant is to be allowed solely as a temporary use and it's use to be tied to and/or related to a localized road and/or other construction need,

NOW THEREFORE, be it resolved by the Buffalo County Board of Supervisors that the following amendment is adopted with amending language as shown, that the following language be added where noted, and the relevant sections be amended shall read as follows:

**To add to Section 5.34 the following language to state as follows:**

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR Agricultural Residential District if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

#20 Construction material crushing plant.

BE IT FURTHER RESOLVED that this Board refers to the Buffalo County Planning and Zoning Commission for public hearing and comment the adoption of the following suggested amendment concerning 5.34, #20 such that it be amended to read as follows:

#20 Temporary Construction Material crushing plant that uses movable equipment utilized for area road or localized construction.

Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Morrow and Pierce. Voting "Nay": Loewenstein. Motion declared carried.

Chairman Pierce opened the public hearing at 12:03 P.M. for the special use permit requested by T & F Sand & Gravel and Knife River Midwest LLC to dredge gravel deposits and set up temporary highway concrete batch plant and concrete crusher. No one was present to oppose the special use permit and Chairman Pierce closed the public hearing at 12:07 P.M. Moved by Morrow and seconded by Greder to approve the following Resolution 2009-21. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

### **RESOLUTION 2009-21**

WHEREAS, T & F Sand and Gravel, Inc. and Knife River Midwest LLC filed application with Buffalo County Clerk and Zoning Administrator for special use permit to operate quarry, batch concrete plant, and concrete crusher in Agricultural Residential (AGR) Zone situated on roughly eighteen (18) acres of the real estate more fully described below referred to herein as the "subject property", and

WHEREAS, on March 5, 2009 the Buffalo County Planning and Zoning Commission held a public hearing after notice as required by law. Thereafter the Commission recommended approval of this request on a 7-0 vote with one member abstaining due to conflict of interest reasons. The Commission recommended approval for sand and gravel extraction accomplished through use of water and aggregate pumping machinery, batch concrete plant, and concrete crushing operation

together with land preparation prior to extraction and restoration after extraction, with borrow material being to be removed from the premises, and

WHEREAS, no protest(s) against the requested special use permit has been filed with the Buffalo County Clerk within seven (7) days of conclusion of public hearing of the Planning and Zoning Commission as allowed under Sec. 11.4, and

WHEREAS, on March 24, 2009 Buffalo County Board of Supervisors conducted a public hearing on such special use permit and finds:

WHEREAS, prior to and at March 24, 2009 public meeting, this Board took notice of Buffalo County's Comprehensive Plan, Zoning Map, and Zoning Regulations; the minutes of the Buffalo County Planning and Zoning Commission for meeting held March 5, 2009 together with the following exhibits identified as:

- #1. Application with attachments, which are incorporated herein as if set forth fully.
- #2. The Buffalo County Zoning Administrator's letter to this Board dated March 20, 2009 with attachments consisting of pictures of the premises and surrounding areas taken by LeAnn Klein, Buffalo County Zoning Administrator and other attached documents.

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed for land hereinafter described as "subject property". For purposes of this permit and to not cause any needed official subdivision of the property in question, the subject property will be referred to by its government survey description and not the metes and bounds of the lease description that accompanied the special use permit. The Board uses legal description derived from documents filed with the Buffalo County Register of Deeds describing KST Farms, LLC owner of the subject property as recorded in Inst 2005-6610 and Inst 2005-6611 both filed in such office on or about July 29, 2005.
2. The subject property is in the Agricultural Residential (AGR) District.
3. Applicants intend to create gravel pit, temporary concrete batch mixing plant, and a concrete crushing plant on the subject property. Applicants will use this facility for purposes of reconstruction of U.S. Interstate #80 that is located to the south of the subject property.
4. Sections 5.34 (18), (19), and (20) of Buffalo County's Zoning Regulations allow the following uses as permitted special uses in the AGR District:

#18 Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery.

#19 Concrete batch and/or asphalt plant (s) that uses movable equipment utilized for area road or localized construction.

#20 Construction material crushing plant.

5. The Board does not perceive a need for the applicant to plant and maintain border or screening type trees around the perimeter of the subject property and/or area of quarrying because it is a temporary use.
6. No added lighting is needed on the subject property for the proposed use because it is a temporary use.
7. No added public transportation usages are anticipated by issuance of this special use permit because trucks and equipment needing access to the subject tract will have private access directly to Dove Hill Road a graveled surface road, running north and south. However, due to the potential of dust creation and road wear due to the localized truck traffic, some steps need to be placed upon the usage to safeguard public safety and health.
8. The subject property is surrounded by the following types of use:
9. The west property line abuts land now in AGR District that has been used for farming purposes. The subject property on its west side is bordered by Dove Hill Road, a gravel surfaced road.
10. To the north and east of the subject property is pasture land.
11. To the south of the subject property abuts the north side of Interstate #80.
12. The closest residence is about three-eighths of a mile distant from the proposed site of the particular use in question.
13. Some types of "sunset" provisions are needed on some aspects of this operation to minimize dust impact of the construction operation. Also there should be a sunset provision on the proposed use for the Board and public to be assured that the nature of the use is temporary in nature, thereby minimizing any adverse impact the proposed use will have on surrounding property.
14. The permitting process of the quarry is subject to various state and federal regulations. The Board finds that Storm Water Discharge Act and various Clean Water Acts would pertain to the initial permitting process, operation, and review of this quarry operation concerning issues of water runoff and sediment containment.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that this Board approves applicants' Special Use Permit for operation of quarry, concrete

batch plan, and concrete crushing facility as described in applicants’ application and attached paperwork, with the application being fully incorporated into this Resolution by this reference together with amendments herein, is approved subject however to the following conditions:

1. Such quarry, batch plant, and crushing operation shall be subject to all State and Federal Regulations.
2. The type of quarry operation shall be restricted to sand and gravel extraction accomplished through use of water and aggregate pumping machinery together with land preparation prior to extraction and restoration after extraction, with borrow material being allowed to be removed from the premises.
3. The concrete crushing facility to minimize air release of crushed materials shall use water in the crushing operation. The concrete crushing facility is not allowed to operate after August 15, 2009 absent further permission from this Board and hearing on the issue. The crushing equipment shall be removed from the subject property no later than September 15, 2009.
4. Applicants while the facility is being transported in and/or out and while in operation at any stage shall use calcium chloride on Dove Hill Road and/or any other county road used by them for equipment transport to minimize dust creation.
5. The remainder of the operation consisting of the quarry operation and temporary concrete batch plant shall be allowed to be carried out on the subject property until December 31, 2009; thereafter the same shall be removed from the property. The special use permit granted herein shall be subject to annual review by this Board. To fulfill initial steps of such review the Planning and Zoning Administrator is directed to no less than annually inspect the subject property and submit written report to this Board concerning zoning issues and fulfillment of this authorizing Resolution.
6. Dove Hill Road, other than routine County maintenance, shall remain in the same condition as it now exists. Applicant, at applicants’ cost, shall be responsible to see and take procedures to grade, gravel, and maintain it in its present condition.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance all as provided in Buffalo County Zoning Regulations.

RESOLVED FURTHER that the subject property is described as follows and that a copy of this Resolution shall be filed against the subject property:  
The Northeast Quarter of the Southwest (NE1/4SW1/4) and Government Lot Nine (9), Section Seven (7), Township Eight (8) North, Range Sixteen (16), West of the 6<sup>th</sup> P.M., Buffalo County, Nebraska.

Chairman Pierce opened the public hearing at 12:12 P.M. to amend the 2008-2009 Budget. No one was present to address the Board and the hearing was closed at 12:14 P.M. Moved by Morrow and seconded by Dannehl to amend the budget by increasing the Institutions Fund budget by \$20,000.00, bringing the amended disbursements to a new total of \$35,000.00. There will be no change to the property tax requirement and inter fund transfers will be processed at a later date. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

Moved by Morrow and seconded by Dannehl to approve the tabled claims that were previously removed from the Consent Agenda and are now listed below. Upon roll call vote, the following Board members voted "Aye": Morrow, Dannehl, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

|                                 |    |              |           |
|---------------------------------|----|--------------|-----------|
| <b><u>INSTITUTIONS FUND</u></b> |    |              |           |
| NE HEALTH & HUMAN SVCS          | MC | PATIENT BILL | 11,508.00 |

Chairman Pierce opened the public hearing at 12:15 P.M. for Buffalo County owned surplus property. No one was present to address the Board. After discussion the public hearing was closed at 12:25 P.M. Moved by Loewenstein and seconded by Dannehl to approve the following Resolution 2009-22. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce. Motion declared carried.

**RESOLUTION 2009-22**

WHEREAS, Buffalo County owns the following real estate:  
  
Lots 504, 505, 506, 507, 508, and 509, Original Town of Kearney Junction, Now City of Kearney, Buffalo County, Nebraska, and,  
  
WHEREAS, on March 10, 2009 and March 24, 2009 this Board conducted public hearings to consider whether this property or portions thereof constitute excess property, and  
  
WHEREAS, this Board believes that Lots 507, 508, and 509, Original Town of Kearney Junction, Now City of Kearney, Buffalo County, Nebraska are excess public property and the same should be sold at public auction sold as provided by law, and

WHEREAS, this Board believes that it should hire professional auctioneer services to obtain the best price for this property when sold at public auction.

NOW THEREFORE BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS THAT the following described real estate shall be sold at public auction on the 30th day of April, 2009 at 10:00 o'clock, a.m:

Lots 507, 508, and 509, Original Town of Kearney Junction, Now City of Kearney, Buffalo County, Nebraska

FURTHER RESOLVED that Marshall Land Broker and Auctioneers of Kearney, Inc., and/or affiliate thereof is retained by Buffalo County to market and conduct auction services. The Chairperson of this Board is authorized to sign contract(s) for these sales services to be performed on behalf of Buffalo County, and

FURTHER RESOLVED that in addition to any advertisement of Marshall Lands Broker and Auctioneers of Kearney, Inc., that the Buffalo County Clerk shall publish one legal notice of such sale with such publication to occur at least ten (10) days prior to the date of sale, with such notice stating the legal description and address of the real estate stating that the real estate shall be sold to the highest bidder all pursuant to Sec 23-107.01, Neb.Rev.Stat.

At 12:29 P.M Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until the meeting on Tuesday, March 31, 2009 at 9:00 A.M Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.